

ARGUMENTATION OF THE APPLICANT RELATING TO STRUCTURAL DIFFERENCES

The Examiner has rejected claims 38-40, 43, 44 and 56 under 35 USC 102(e) as being anticipated by DeKort '898.

The Examiner interprets the "waste" portion as one of the two conveyors.

In responding to this rejection, the Applicant has cancelled claims 1- 56 and replaced independent claim 56 with new claim 57. New claim 57 is focussed on punching only and recites a device for punching a substrate to separate an useful part and a waste portion from a single sheet like substrate. Claim 57 includes means, disposed at an end of the working gap, for splitting off and separating the useful part from the waste portion. Claim 57 now includes the non rejected claims 41 and 42 and as such recites an option to choose between the gripper and an airflow in order to remove the waste from the working gap.

The Applicant submits that claim 57 is distinguished from the prior art due to DeKort for the following reasons.

The DeKort discloses a packaging device structured to process i.e. assemble two streams of products into one stream of final products whereas the present invention is a finishing device structured to process i.e. separate one stream into at least two streams.

The DeKort discloses cutting i.e. dividing a stream of flow packs into single flow packs whereas the present invention is structured to punching i.e. pattern cutting enabling to separate a waste part from a useful part.

The DeKort is focussed on cutting only and is not structured and cannot separate a waste portion from a useful part by punching tools.

The DeKort discloses handling of an article and a web of packaging material and is not structured to handle single sheet like substrates.

The DeKort discloses cutting between two flow packs whereby the accuracy of the cut to print register is not very critical.

The present invention discloses pattern cutting whereby the tool parts are superposed over the printed image. This means that the demands for the register accuracy are very critical since the slightest differences are visible to the naked eye because of the effect of superposing.

The DeKort does not disclose and is not structured to transport non processed i.e. not assembled or non cut substrates. It can process/produce finished products in a single processing device only, which thereby limits the field of application to final products only.

The present invention discloses a punched sheet like substrate to be a non-punched or a punched or an intermediate pre-punched product for eventual further processing of the sheet with an auxiliary device e.g. downstream in the processing line.

The DeKort discloses a delivery of a single flow using single means of transportation i.e. an airflow.

The present invention discloses a delivery of at least two flows using multiple means of transportation i.e. an airflow and a (mechanical) gripper and an optional third flow via a table/conveyor.

The DeKort does not disclose a transportation means for the waste parts whereas the present invention presents at least two means for the

transportation of waste; one by means of a gripper and one by means of an airflow.

These multiple means of transportation allows for, besides the earlier mentioned possibilities for the delivery of non- or pre-punched sheets both without waste separation; the delivery of:

- a) punched sheets, as waste, transported by the gripper and at the same time useful parts being delivered by an airflow; or
- b) punched sheets, as useful parts, delivered by the gripper and at the same time waste parts being delivered by an airflow.

The present invention distinguishes notably with these multiple means of transportation from DeKort with its single means of transportation and consequently with it its very limited, single purpose field of operation.

The dependent claims of record have been cancelled or amended appropriately for consistency with amended claim 57.

New claims have been added to highlight the structural differences and define preferred aspects of the invention.

The Applicant therefore submits that the independent claim 57 now is sufficiently distinguished from the prior art of record to satisfy the conditions for patenting. The dependent claims inherit the limitations of the independent claim and are therefore similarly distinguished from the prior art of record for the reasons given. The advantages associated with the structural differences between prior art and the invention indicated above, provide sufficient justification for patenting. Positive review and passage to issuance is therefore respectfully requested.

No new matter has been added in this amendment.

11-DEZ-06

08:31

VON -Dreiss Patentanwälte

+49 711 24893899

T-258 P.011/011 F-765

9

Respectfully submitted,

Ebe Hesterman,

The Inventor

Hesterman

Date

December 9, 2006

Dreiss, Fuhlendorf, Steinle & Becker
Patentanwälte
Postfach 10 37 62
D-70032 Stuttgart
Federal Republic of Germany
Telephone: ++49/711-24 89 38-0
Fax: ++49/711-24 89 38-99